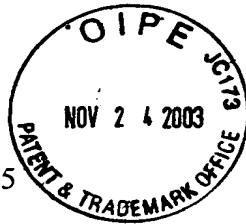


Attorney Docket No.: 5600-85



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Simmons et al.

Application Serial No.: 10/656,386

Filed: September 5, 2003

For: *Stable Probiotic Microsphere Compositions and Their Methods of Preparation*

Date: November 21, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. § 1.97(b)**

Sir:

Attached is a form PTO-1449, together with a copy of each of the identified document(s). It is requested that these documents be considered by the Examiner and officially made of record in accordance with the provisions of 37 C.F.R. § 1.56 and Section 609 of the MPEP.

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. § 1.97(b), within three months of the filing date of the above-referenced application or before the mailing of a first Office Action on the merits, whichever event occurs last. Therefore, no fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,

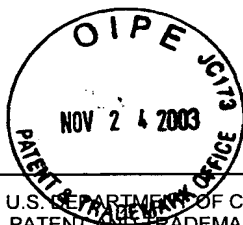
F. Michael Sajovec  
Registration No. 31,793

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

**Certificate of Mailing under 37 CFR 1.8 (or 1.10)**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 21, 2003.

Clara R. Beard



<b>FORM PTO-1449</b> U.S. DEPARTMENT OF COMMERCE (Rev. 2-32) <b>PATENT AND TRADEMARK OFFICE</b>  INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO. <b>5600-85</b>	SERIAL NO. <b>10/656,386</b>
	APPLICANT Donald L. SIMMONS et al.	
	FILING DATE <b>September 5, 2003</b>	GROUP

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6 3 0 6 3 9 1	2001	MODI et al.	424	93.44	
		4 3 9 6 6 3 1	1983	ADACHI et al.	426	61	
		5 6 3 5 2 0 2	1997	FORD	424	443	
		5 6 3 3 0 1 2	1997	FORD	424	451	
		4 3 3 2 7 9 0	1982	S0ZZI et al.	424	38	
		4 8 8 8 1 7 1	1989	OKONOGI et al.	424	93	
		6 2 4 2 2 3 0	2001	BATICH et al.	435	178	
		6 3 6 5 1 4 8	2002	KIM et al.	424	93.1	
		6 1 9 0 5 9 1	2001	VAN Lengerich et al.	264	141	
		6 2 5 4 8 8 6	2001	FUSCA et al.	424	464	
		6 0 0 8 0 2 7	1999	LANGNER	435	174	

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	WO	9 9 4 9 8 7 5	1999	PCT				
	WO	0 1 9 5 9 1 8	2001	PCT				
	WO	0 0 4 1 5 7 6	2000	PCT				
	WO	9 7 1 6 1 9 8	1997	PCT				

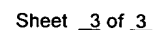
**OTHER DOCUMENTS** (including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



U.S. PATENT DOCUMENTS[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

**OTHER DOCUMENTS** (including Author, Title, Date, Pertinent Pages, Etc.)

[illegible]

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.